Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 914-09181-2810-145	Date: 07/14/14	Time: 2125 hours	
Location: 13055 Clovis Ave	City or Station: Los Angeles		
Bureau/Station/Facility: Compton Station	Admin. Investigation: (●) YES ( ) NO		
Type of Force: Personal Weapons - Hands, arms.			
Incident Category: ( ) 1 ( ) 2 (●) 3	Deputy Injury: (●) YES ( ) NO	Suspect Injury (●) YES ( ) NO	
☐ Call	☒ Observation	☐ Detail	☐ Foot Pursuit ☐ Vehicle Pursuit
IAB Notified: (●) YES ( ) NO	Person Notified: Lt. David Flores	Emp: [redacted]	IAB Roll Out (●) YES ( ) NO

Involved Employee

E1

Employee #: [redacted]	Last Name: Diaz	First Name: Armando	Middle I.:	Rank: DSG	
Sex: (●) M ( ) F	Race: H	Height: 508	Weight: 240	Age: 35	Shift: ( ) EM ( ) Day (●) PM — (●) Regular Shift ( ) OT Shift ( ) Off Duty
Unit of Assignment: Compton Station	Work Assignment (Unit #, Module, etc.): 280W2 (Summer Violent Crime Enforcement Team)				
Individual Force Used: Personal weapons - Hands, arms.	( ) Directed ( ) Rescue ( ) Medical Assist	Individual Category ( ) 1 ( ) 2 (●) 3			
☐ Injured ☐ Treated ☐ Admitted	Facility:	Coroner Case #			

E2

Employee #: [redacted]	Last Name: Alcala	First Name: Jonathan	Middle I.:	Rank: DSG	
Sex: (●) M ( ) F	Race: H	Height: 508	Weight: 170	Age: 29	Shift: ( ) EM ( ) Day (●) PM — (●) Regular Shift ( ) OT Shift ( ) Off Duty
Unit of Assignment: Compton Station	Work Assignment (Unit #, Module, etc.): 280W2 (Summer Violent Crime Enforcement Team)				
Individual Force Used: Personal Weapons - Hands	( ) Directed ( ) Rescue ( ) Medical Assist	Individual Category ( ) 1 ( ) 2 (●) 3			
☐ Injured ☐ Treated ☐ Admitted	Facility:	Coroner Case #			

E3

Employee #: [redacted]	Last Name: Embleton	First Name: Austin	Middle I.:	Rank: DSG	
Sex: (●) M ( ) F	Race: W	Height: 600	Weight: 210	Age: 29	Shift: ( ) EM ( ) Day (●) PM — (●) Regular Shift ( ) OT Shift ( ) Off Duty
Unit of Assignment: Compton Station	Work Assignment (Unit #, Module, etc.): 284D				
Individual Force Used: Personal Weapons - Hands, arms.	( ) Directed ( ) Rescue ( ) Medical Assist	Individual Category ( ) 1 ( ) 2 (●) 3			
☒ Injured ☐ Treated ☐ Admitted	Facility: US Healthworks	Coroner Case #			

On Duty Supervisor

☐ Additional Involved Employees

Emp. #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Lopez	Mark	A.	SGT	YES ( ) NO (●)	YES ( ) NO (●)

Supervisor Completing Investigation

Emp. #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Martin	Daniel	W.	SGT	YES ( ) NO (●)	YES ( ) NO (●)

Watch Commander / Supervising Lieutenant

Emp. #	Last Name	First Name	Middle I.	Rank
[redacted]	Mitry	Nabeel	S.	LT

LT. D. FLORES [signature] — 05/28/15

Watch Commander / Supervising Lieutenant's **Signature**:   Date   Copy Provided to Employee by: Emp #:

Captain Myron Johnson

Unit Commander **(Print Name)**   Unit Commander's **Signature**:   Emp #:   Date

DISCOVERY Use Only

FO#

☐ PPI REVIEW COMPLETED

Original: Discovery Unit
Copy: Unit Commander

Supervisor's Report on Use of Force
SUSPECT INFORMATION

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Suspect Information

S__

Last Name: Montgomery | First Name: Barry | Middle Name: | Armed? Select: Not Armed

AKA Last Name: | First Name: | Middle Name:

Sex: (●) Male ( ) Female | Race: B | Age: 29 | Height: 506 | Weight: 120 | D.O.B: 09-11-84 | Phone #1: ( ) H ( ) W ( ) C | Phone #2: ( ) H ( ) W ( ) C

Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Booking #: 4032025 | Primary Charge Code: 69 P.C. | Secondary Charge Code: 11357 (b) H.S. | ☐ Criminal History

Treated on Scene? (●) YES ( ) NO | Name: Captain Ortiz | Unit: Engine 95 | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: Harbor - UCLA Medical | Coroner Case #: | Mental History ☒ User's guide provides direction on this entry

By: Charles Randazzo | Address: 1000 W. Carson Street, Torrance, CA | Phone #: 310-222-3528

Under Influence: (●) YES ( ) NO | Substance: Marijuana | 5150 a factor in force? ( ) YES (●) NO User's guide provides direction on this entry

Suspect Interview

Date: 07-15-14 | Time: 2221 | ☒ Audiotape: | ☒ Videotape: | ☒ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name: | Armed? Select:

AKA Last Name: | First Name: | Middle Name:

Sex: ( ) Male ( ) Female | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ( ) H ( ) W ( ) C | Phone #2: ( ) H ( ) W ( ) C

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | ☐ Criminal History

Treated on Scene? ( ) YES ( ) NO | By: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By: | Address: | Phone #:

Under Influence: ( ) YES ( ) NO | Substance: | 5150 a factor in force? ( ) YES ( ) NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name: | Armed? Select:

AKA Last Name: | First Name: | Middle Name:

Sex: ( ) Male ( ) Female | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ( ) H ( ) W ( ) C | Phone #2: ( ) H ( ) W ( ) C

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | ☐ Criminal History

Treated on Scene? ( ) YES ( ) NO | By: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By: | Address: | Phone #:

Under Influence: ( ) YES ( ) NO | Substance: | 5150 a factor in force? ( ) YES ( ) NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

☐ **Additional Suspects Involved**

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION

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Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
	N/A		

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift: ◯ EM ◯ Day ◯ PM	◯ Regular ◯ OT ◯ Off Duty

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift: ◯ EM ◯ Day ◯ PM	◯ Regular ◯ OT ◯ Off Duty

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift: ◯ EM ◯ Day ◯ PM	◯ Regular ◯ OT ◯ Off Duty

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
N/A				

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

☐ **Additional Witness**

Supervisor's Report on Use of Force

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Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(RO) Restraint Device (Other)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(IR) Less Lethal Impact Round (other)
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative
(HR) High Risk

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Involved

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Montgomery, Barry	S1	Diaz, Armando	E1	PH	NN	SH
Diaz, Armando	E1	Montgomery, Barry	S1	TD	FR	CH
Montgomery, Barry	S1	Diaz, Armando	E1	PH	NN	CH
Diaz, Armando	E1	Montgomery, Barry	S1	PH	FR	FA/NO
Montgomery, Barry	S1	Alcala, Jonathan	E2	RS	NN	AR
Alcala, Jonathan	E2	Montgomery, Barry	S1	PH	NN	BK
Montgomery, Barry	S1	Embleton, Austin	E3	RS	NN	AR
Embleton, Austin	E3	Montgomery, Barry	S1	PH	NN	FA

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY

UNIT: Compton Station
DATE: July 14, 2014 - Monday
TIME: 2125 hours
LOCATION: 13055 Clovis Avenue, Los Angeles, CA
URN#: 914-09181-2810-145
IAB#: FO2360982

OPENING STATEMENT

On Tuesday, July 15, 2014, Internal Affairs Bureau investigators Sergeant Daniel Martin, Sergeant Eric Barron, and Lieutenant David Flores responded to 1000 W. Carson Street, Torrance (Harbor-UCLA Medical Center) regarding a Use of Force. The force incident occurred earlier in the evening, on July 14, 2014, at approximately 2125 hours. The location of the incident was Enterprise Park, 13055 Clovis Ave, Los Angeles. Internal Affairs Investigators were briefed regarding the circumstances of the incident, and Sergeant Martin was assigned the administrative review.

SYNOPSIS

On the night of Monday, July 14, 2014, Deputy Armando Diaz and Deputy Jonathan Alcala were assigned to the Summer Violent Crime Enforcement Team for the city of Compton, which was a uniformed patrol assignment. At approximately 2115 hours, Deputies Diaz and Alcala were driving through the parking lot on the south end of Enterprise Park when they reported smelling the odor of burnt marijuana. As they drove toward the west end of the parking lot, they saw a male black adult, Suspect Barry Montgomery, standing under a covered patio near some park benches.

Both deputies exited their patrol car and spoke to Suspect Montgomery from approximately 20 - 25 feet away. Deputy Diaz saw Suspect Montgomery smoking what appeared to be a joint, and therefore asked him if he was smoking marijuana. Suspect Montgomery replied, "Yes I am smoking marijuana, Westside Piru, fuck you." Deputy Diaz instructed Montgomery to put down the joint, and then asked him for his identification. Suspect Montgomery did not have his I.D., but gave them his information verbally after some initial delay. Deputy Alcala returned to the passenger seat of their patrol car, and conducted a 'Wanted Persons' check of Suspect Montgomery's information via the radio car's MDC (Mobile Digital Computer). The results of the check revealed Suspect Montgomery did not have any outstanding warrants, and was not on probation or parole.

After the warrants check, Deputy Diaz continued talking to Suspect Montgomery. As part of their conversation, he asked Montgomery if he had anything else illegal on him, but Suspect Montgomery did not reply. Deputy Diaz then approached Suspect Montgomery and attempted to detain him for a narcotics investigation.

Deputy Diaz instructed Suspect Montgomery to turn away and place his hands behind his back. As Deputy Diaz closed the distance between he and Suspect Montgomery, Suspect Montgomery walked toward Diaz and shouted, "Westside Piru nigga, I'm going to kill both of you with my deuce-deuce!" and then threw a punch with his right fist toward Diaz's face. Deputy Diaz ducked to avoid the punch, but was ultimately struck in the right shoulder. Suspect Montgomery continued throwing additional punches at Deputy Diaz, but Diaz immediately grabbed Suspect Montgomery in a bear hug, and tackled Suspect Montgomery to the ground. Suspect Montgomery landed on his back with Deputy Diaz on top of him. While Deputy Diaz and Suspect Montgomery were on the ground facing each other, Montgomery continued throwing additional punches. Deputy Diaz responded to the attack by punching Montgomery two to three times to the face. Diaz additionally used his right elbow to strike Suspect Montgomery in the face three times. He then turned Montgomery over onto his stomach, while repeatedly shouting at Montgomery to stop fighting.

Deputy Alcala broadcasted emergent traffic via his handheld radio and asked for assistance. He quickly scanned the area for additional threats, and then ran to assist Deputy Diaz. He took a position on Suspect Montgomery's left side and attempted to handcuff him, but Montgomery had his hands tucked underneath his body near his waistband. Deputy Alcala grabbed ahold of Montgomery's left elbow, but Montgomery resisted by tensing the muscles in his left arm, preventing Alcala from gaining control. Fearing Suspect Montgomery may be retrieving a firearm, Deputy Alcala punched Suspect Montgomery two to three times in the left upper abdomen area with his left fist. The punches proved effective, enabling Deputy Alcala to secure Montgomery's left wrist behind his back.

Deputy Embleton arrived on scene to assist during this time. Deputy Alcala advised Deputy Embleton of Montgomery's statements regarding a gun, and directed Embleton to grab Montgomery's right arm. Deputy Embleton took a position on Montgomery's right side and attempted to pull Montgomery's right arm from underneath his body. Montgomery continually resisted, and actively reached for his waistband. Deputy Embleton gave Montgomery verbal commands, "Give me your hand," but Montgomery still did not comply. Fearing Suspect Montgomery was attempting to retrieve a firearm, Deputy Embleton used his right fist to hit Montgomery twice to the right side of his face. Deputy Embleton's punches did not have the desired effect, as Montgomery refused to surrender his right arm. Deputy Embleton then used his right elbow to strike Montgomery in the face. This strike took immediate effect, and Montgomery gave up his right arm from under his body. Deputy Alcala pulled Suspect Montgomery's left wrist toward Deputy Embleton, who now had control of Montgomery's right wrist, and they were able to complete the handcuffing process.

The deputies sat Suspect Montgomery near the park benches and requested the Los Angeles County Fire Department. He was treated on scene by Engine Company #95, under the direction of Fire Captain Ortiz. He was subsequently transported to Harbor-UCLA General Hospital where it was discovered he sustained a broken left orbital, broken nose, and rib fractures on his right side. He also sustained some additional injuries from the fight: lacerations and swelling to his face, and abrasions to the upper portion of his back.

Suspect Montgomery was booked for 69 P.C. – Resisting an Executive Officer with Force, and 11357(b) H.S. – Possession of Marijuana. No firearm was located.

Deputy Embleton suffered a sprained right wrist.

The incident report, supplemental reports, booking packet, PM shift in-service, and medical booking approval are included with this case (refer to **Exhibit A**).

When IAB Investigators responded to Harbor-UCLA General Hospital, they observed and photographed Suspect Montgomery. He was in the Emergency Room, handcuffed to a hospital bed. Investigators also observed a "Ripp Hobble" around Suspect Montgomery's ankles.

IAB Note: The Ripp Hobble is a Department approved hobble restraint device made of one-inch wide polypropylene webbed belting with a one-inch wide steel, alligator-jawed, friction locking clip.

Investigators received the incident report, and supplemental reports later that same day, July 15, 2014. Investigators also received videotaped interviews conducted by the Watch Commander, Lieutenant Nabeel Mitry (#[redacted]), which likewise showed the Ripp Hobble around Suspect Montgomery's ankles. Upon reviewing the reports, it was discovered there was no documentation of how or when the Ripp Hobble was applied or removed from Suspect Montgomery. Investigators contacted Sergeant Mark Lopez on July 22, 2014, to ascertain if there were additional supplemental reports to be submitted, or if someone reported administering the hobble restraint verbally to him. He told investigators he submitted all reports regarding this incident, and no one reported verbally to him regarding the application of the Ripp Hobble.

IAB Note: According to the Department's Manual of Policy and Procedures, section 3-01/110.22 Total Appendage Restraint Procedure (TARP), the application of the Ripp Hobble device on an unresisting person, absent any other factors which constitute reportable force, shall not constitute reportable force. Additionally, under Manual of Policy and Procedures, section 3-10/100.00 Use of Force Reporting Procedures, hobbling is classified as Category 1 Force, and is reportable when it is resisted by a suspect.

Investigators interviewed deputy personnel, including supervisors, who had contact with Suspect Montgomery throughout the incident, as well as, deputy personnel who provided security at the hospital. None of those interviewed knew who applied the hobble restraint device, nor to whom the device belonged. At the time this case was submitted, no other information was discovered regarding the application or ownership of the Ripp Hobble. The following individuals were interviewed:

Sergeant Mark Lopez
Sergeant Marvin Jaramilla
Sergeant Libira Carter
Deputy Jonathan Alcala
Deputy Armando Diaz
Deputy James Hubbard
Deputy Paul Carmona
Deputy Juan Torres
Deputy Nichelle Carlson

ADDITIONAL INFORMATION AND INVESTIGATION

On Friday, July 18, 2014, members of Suspect Montgomery's family, and attorneys representing Suspect Montgomery, went to Compton Station regarding several allegations of deputy misconduct. It was alleged deputies discharged their firearms, Tased Suspect Montgomery, and dragged him into a nearby bathroom to further assault him. It was also alleged there were several additional deputies involved in the fight other than the reported three: Diaz, Alcala, and Embleton.

These allegations prompted an additional response from Internal Affairs Investigators and Max Huntsman from the Office of the Inspector General to Enterprise Park. Investigators contained the area where the fight occurred and summoned the crime lab for potential evidence collection and photographs. Also, the neighborhood surrounding Enterprise Park was canvassed for potential witnesses to the use of force incident.

Deputies Diaz and Alcala were ordered into work for submission of their firearms for testing by the crime lab. Their guns were taken into custody in the presence of IAB Investigators under lab receipt numbers, K596178, K596179, K596180, K596181, K596182. Deputy Embleton was on a pre-scheduled vacation on July 18, 2014, and was not available to surrender his firearm at that time. His firearms were later collected on July 24, 2014, and submitted to the crime lab under lab receipt numbers, K592813 and K592814. The crime lab test fired the weapons and performed functionality tests. See attached copies of the crime lab reports under **Exhibit B**. According to Supervising Criminalist James Carroll, there is no test which can determine when a firearm was fired. The crime lab can determine if a firearm has been fired at some point prior to the examination, which essentially means some time during the life of the firearm, but nothing more specific than that.

According to media coverage from July 18, 2014, there was an unidentified witness to the incident, who would not be made available to the Sheriff's Department for an interview. This unidentified witness provided a statement to the media via password protected website established by Montgomery's attorney, Martin Kaufman. On July 19, 2014, Max Huntsman went to Suspect Montgomery's home at [redacted] along with community activist [redacted], and contacted some of Montgomery's family members to ascertain if the family was willing to cooperate with the Sheriff's Department investigation. Mr. Huntsman and [redacted] spoke to family members through the door, but were not allowed access inside of the residence. While awaiting a response, a family member advised no one would be speaking to them about the incident. No further attempts were made with Suspect Montgomery's family.

Internal Affairs investigators canvassed the surrounding neighborhood in order to locate any witnesses on two separate occasions (July 18, 2014 and July 23, 2014). The results of their efforts yielded no witnesses to the fight between Suspect Montgomery and the deputies. There were several residents in the area who reported hearing the sirens of police cars arriving on scene, and a helicopter overhead, but no one saw the fight occurring. There were also reports of fireworks or loud bangs earlier in the evening, but it did not appear to be associated with the use of force incident.

On July 21, 2014, IAB Investigators contacted Sheriff's Headquarters Bureau and spoke with Nicole Nishida, Public Information Officer. She obtained copies of the news footage from the incident, but was unable to get additional information regarding any potential witnesses. The news footage was placed on a compact disc and included with this case as **Exhibit C**.

On July 21, 2014, IAB Investigators contacted detective personnel assigned to Parks Bureau regarding the possibility of existing "pole cams" in the area.

IAB Note: "Pole cams" are stationary, fixed cameras which are mounted on elevated structures for surveillance purposes.

Detective Perry Tardiff advised there were no "pole cams" at Enterprise Park, which would have possibly recorded the incident.

On July 22, 2014, IAB Investigators contacted Century Station Operations and corresponded with Operations Sergeant [redacted]. Century Station is equipped with a "Shot Spotter" device, which captures when and where there is gunfire. The "Shot Spotter" was out of service at the time of the incident, and had been under repair since June, 2014.

On July 23, 2014, IAB Investigators contacted Los Angeles County Parks and Recreation workers [redacted] and [redacted]. [redacted] was responsible for locking the bathrooms at Enterprise Park on the night of July 14, 2014. He stated he locked the bathrooms at approximately 1800 hours, and did not notice any blood in the

bathroom. He said as his normal practice, when he locks up at night, he goes into the bathroom to check for any remaining park patrons before locking the gates.

[redacted] was responsible for opening the bathrooms the following morning. He stated when he arrived at 0530 hours, the bathroom was locked. He also noticed a considerable amount of blood on the concrete, near the park benches, and red liquid droplets around and underneath the left sink in the bathroom. In Mr. [redacted] opinion, the droplets in the bathroom appeared to be a mixture of blood and water; similar to if someone washed themselves in the sink. He didn't think too much of it at the time, and washed it all away with water.

Mr. [redacted] was asked if the blood was present in the bathroom prior to locking up the night before, and he mentioned a log book at the office, which should contain information regarding any unusual type of activities, such as that, but he stated he did not see any entries of that nature. The office was closed at the time of contact on July 18, 2014, and therefore, investigators were unable to obtain copies of the log book. On July 23, 2014, investigators made another attempt to view the log book, however, the office was closed once again.

On September 25, 2014, IAB Investigators obtained a GPS (Global Positioning System) map of the deputies who responded to the incident from 2100-2200. The locations of these deputies were obtained via Sheriff's Department resources. According to the GPS report, the arrival of the deputies was consistent with the radio traffic and their written reports. Several deputies arrived after the Code 4 was broadcasted, along with field supervisors, to provide assistance with the handling of the scene (see attached copies of the map and printout of individual units' locations, **Exhibit D**). Deputy Diaz and Deputy Alcala were driving in vehicle number, SD7252. Deputy Embleton was driving in vehicle number, SD7155.

On October 15, 2014, Detective [redacted] provided additional documentation of prior Sheriff Department contacts with Suspect Montgomery, dating back to April 26, 2011. The documentation was various 'calls for service' to the Montgomery residence regarding Suspect Montgomery's behavior, including, threats of assault to family members, see attached copies under **Miscellaneous Documents**.

Investigators returned to Enterprise Park on December 17, 2014, to obtain copies of the log book (refer to **Exhibit E**). After reviewing the log, there were no entries indicating the discovery of blood. Investigators re-contacted [redacted] who informed them the reason he did not enter the discovery into the log was because he submitted a report on the incident, and directed investigators to the district office for a copy of the report.

Investigators contacted [redacted] for Los Angeles County Parks and Recreation on December 17, 2014. She provided investigators with copies of the reports submitted by the staff. Upon reviewing the reports, it was discovered the page numbers and attachments did not match. The report made reference to Attachment #2, however, the report only included Attachments #1 and #3.

When investigators brought that to Ms. [redacted] attention, they additionally asked her if the reports were written contemporaneous to the incident. She stated she remembered a discussion amongst the staff regarding documenting everything, only after it had garnered so much media attention.

IAB Note: The first media reports of this incident occurred on July 18, 2014.

She further added she would do some research and find out when the reports were submitted to her. On December 18, 2014, she sent new copies of the report via email correcting the attachment numbering, and explained there was no Attachment #3, and that it was mislabeled. All copies of the report were printed up from digital copies, see **Exhibit F**.

IAB Note: Investigators made several attempts to contact [redacted] for follow up regarding when she received the reports, however, at the time this case was submitted, she had re-buffed all attempts to be contacted. Investigators made the following attempts initially via email on December 19, 2014 and January 8, 2015, see attached copies of email correspondence under Miscellaneous Documents. Investigators attempted to contact Ms. [redacted] via phone on March 24, 2015, but she was unavailable and a voicemail was left. Investigators attempted to contact Ms. [redacted] in person on March 25, 2015, however, she was not in the office, and a business card was left for her.

On January 15, 2015, IAB Investigators were issued a discovery motion from Compton Court regarding interviews and information collected as part of the Use of Force packet. Investigators included the incident report prepared by the Parks and Recreation Department as part of the discovery. Also, investigators were subpoenaed to court on February 19, 2015. While at court, Deputy District Attorney Andrea Davalos met with Internal Affairs and informed them she sent Detective [redacted] from Compton Station to speak with [redacted] and [redacted] from Parks and Recreation, for follow up to the incident report she received through discovery. She further stated, a supplemental report was authored by Detective [redacted] regarding those contacts, see attached copy of supplemental report under **Exhibit A**.

In Detective [redacted] report, he interviewed [redacted] who made mention of contacting a witness on July 15, 2014. Mr. [redacted] only knew the witness by the name of "[redacted]" and described him as a male black, approximately 60 years old. He had not seen "[redacted]" since talking to him that day. According to Mr. [redacted] "[redacted]" stated he was at the park at the time of the incident and saw the fight between the deputies and Suspect Montgomery. He also observed the deputies drag Suspect Montgomery into the bathroom.

IAB Note: [redacted] **reported the information to Parks and Recreation worker** [redacted] **about his contact with this witness. However, his statement, which was documented in the Parks and Recreation report, indicated Mr.** [redacted] **contacted a male in his twenties, not sixty.**

IAB Investigators contacted Detective [redacted] regarding his interview. Detective [redacted] relayed that Mr. [redacted] appeared to know the Montgomery family fairly well, and was reluctant to be involved. Also, Mr [redacted] stated he was not willing to participate in additional interviews, and would ignore any attempts to contact him.

IAB Investigators requested Detective [redacted] research the name "[redacted]" through Sheriff's Department resources in order to identify any potential persons who use that nickname. Detective [redacted] provided the names of two persons who live in area: [redacted] and [redacted]. Detective [redacted] indicated neither of them had a direct association with Enterprise Park. Investigators contacted them for interviews.

On April 22, 2015, investigators went to [redacted] listed residence at [redacted] There was no one home at the residence, and a business card was left at the front door. Investigators contacted a neighbor in the area, who did not wish to provide his name, and he told investigators he believed [redacted] still lived at the listed address. He, too, would pass along a business card. At the time this case was submitted, Mr. [redacted] had not made any attempts to contact investigators.

On April 22, 2015, investigators went to [redacted] listed residence at [redacted]. Mr. [redacted] was not home, but investigators spoke to a woman who identified herself as [redacted] mother. However, she would not open the door or provide her name. She told investigators, her son had no association with that area (Enterprise Park), and said it was very unlikely he would have been there. She stated she would pass on a business card to [redacted] to contact Internal Affairs Bureau. At the time this case was submitted, Mr. [redacted] had not made any attempts to contact investigators.

On April 20, 2015, IAB Investigators received additional medical paperwork for Suspect Montgomery from Deputy District Attorney Andrea Davalos, see copies of the medical paperwork under **Exhibit G**. In reviewing the medical paperwork, investigators discovered documentation on page "Mont000106," which stated Suspect Montgomery informed medical personnel he was involved in a fight with someone, one to two months prior to this incident. There was no additional information contained in the medical report regarding this event, or any documented injuries. Also, on page "Mont000048," it was documented Suspect Montgomery stated deputies assaulted him with an "expandable type silver metal stick." Suspect Montgomery did not disclose this to any representative of the Sheriff's Department during his interviews, nor was it reported by any deputy involved in the incident.

On April 22, 2015, investigators contacted Los Angeles County Parks and Recreation employee [redacted] Mr. [redacted] was the [redacted] at the time of the incident, and authored one of the incident reports regarding the fight. His report was dated July 22, 2014. The attachments included with his report were submitted by [redacted] who was the [redacted] for Enterprise Park. Mr. [redacted] confirmed the reports were submitted to him on the dates listed on the report, July 15, 2014. During the conversation with Mr. [redacted] he informed investigators that [redacted] reported the blood on the concrete to him at approximately 0800 hours, when he ([redacted]) arrived on duty. Mr. [redacted] recalled [redacted] reporting about the blood on the concrete, but did not recall Mr. [redacted] reporting about any blood in the bathroom.

On April 22, 2015, investigators contacted Los Angeles County Parks and Recreation employee [redacted] Mrs. [redacted] is the [redacted] for Enterprise Park. She was asked about the contents of the log book, which was maintained in the office. She stated the reason the log book was not updated with information about the blood was due to the fact the incident occurred after park hours. Entries into the log are for eyewitness accounts only, and for entries which occur during park hours.

While still at Enterprise Park on April 22, 2015, investigators also contacted park worker, [redacted] who provided investigators the key which unlocked the bathrooms. Investigators photographed the key for reference, and noticed the key was stamped "Do Not Duplicate" on one side, see photograph under **Exhibit H**. The key was then returned to Mr. [redacted] He stated the locks on the bathroom have not been changed since the incident on July 14, 2014.

On April 22, 2015, IAB Investigators attempted to contact Enterprise Park employee, [redacted] Investigators spoke with her [redacted] who told them Ms. [redacted] was off work due to an injury, since November 2014. Ms. [redacted] was not expected to return to work in the near future, but she (Ms. [redacted] would know more of her condition in May (2015).

On April 29, 2015, IAB investigators responded to Compton Station, unannounced, to conduct a check of the involved parties' key blocks. Deputies Diaz and Embleton were on shift at the time, and escorted investigators to their respective lockers to retrieve their keys. Deputy Alcala was contacted via phone, and provided his consent regarding the retrieval of his keys from his locker. Deputy Alcala had two sets of keys. This was also done in the presence of the on-duty Watch Commander, Lt. Michael Hannemann (#[redacted]). Upon inspection by investigators, none of the deputies possessed a key similar to the one which opened the Enterprise Park bathroom. Photos were taken of the three deputies' key blocks and submitted with this case as **Exhibit H**.

INVOLVED PERSONNEL

Deputy Diaz, Armando #[redacted]
Deputy Alcala, Jonathan #[redacted]
Summer Violent Crime Enforcement Team (Compton)
Unit 280W2

Deputy Embleton, Austin #[redacted]
Compton Station Patrol
Unit 284D

WORK HISTORY

Deputy: Diaz, Armando
Department Hire Date: 10-25-2006
Date Assigned to Compton Station: 03-17-2013
Date Completed Patrol Training: [redacted]
Prior Founded Force Incident(s): [redacted]

Deputy: Alcala, Jonathan
Department Hire Date: 10-25-2006
Date Assigned to Compton Station: 03-17-2013
Date Completed Patrol Training: [redacted]
Prior Founded Force Incident(s): [redacted]

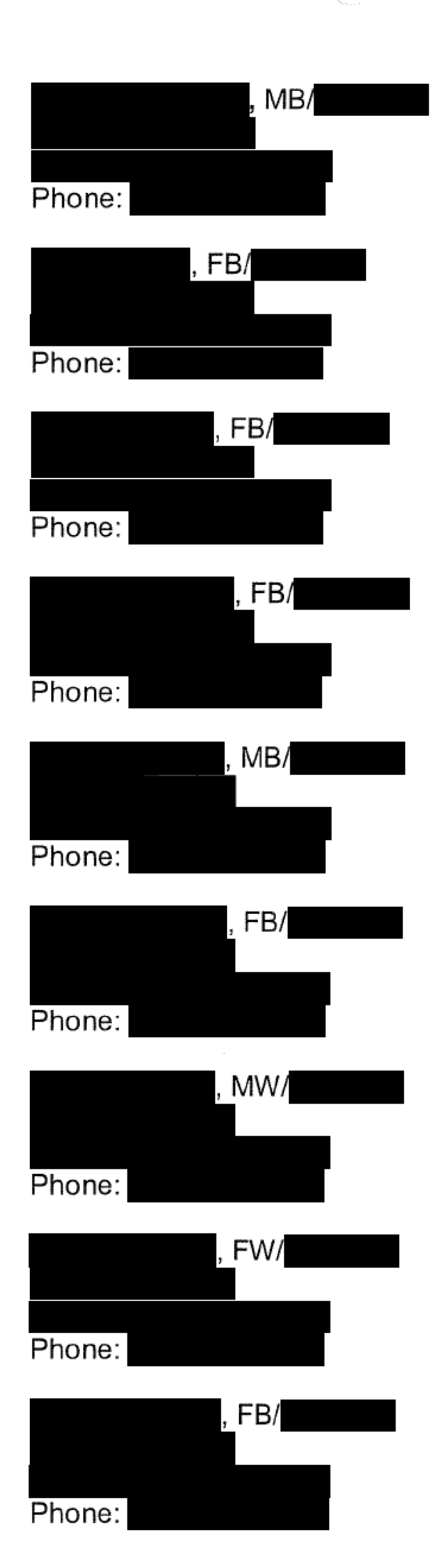
Deputy: Embleton, Austin
Department Hire Date: 04-12-2006
Date Assigned to Compton Station: 09-02-2012
Date Completed Patrol Training: [redacted]
Prior Founded Force Incident(s): [redacted]

SUSPECT

Montgomery, Barry, MB/09-11-84, Booking #4032025
Address: [redacted]
Booking Charges: 69 PC - Resist/Obstruct a Peace Officer with Force
11357 (b) HS - Possession of Marijuana, less than 1 ounce
DA Case #TA134217
No prior criminal history.
Next Court date: 06-17-15 (Pre-trial Motions)

WITNESSES

The residential neighborhood near the force incident was canvassed for witnesses. The following list of witnesses did not view the incident, but lived in the immediate vicinity of the park.



[redacted], MB/[redacted]
[redacted]
Phone: [redacted]

[redacted], FB/[redacted]
[redacted]
Phone: [redacted]

[redacted], FB/[redacted]
[redacted]
Phone: [redacted]

[redacted], FB/[redacted]
[redacted]
Phone: [redacted]

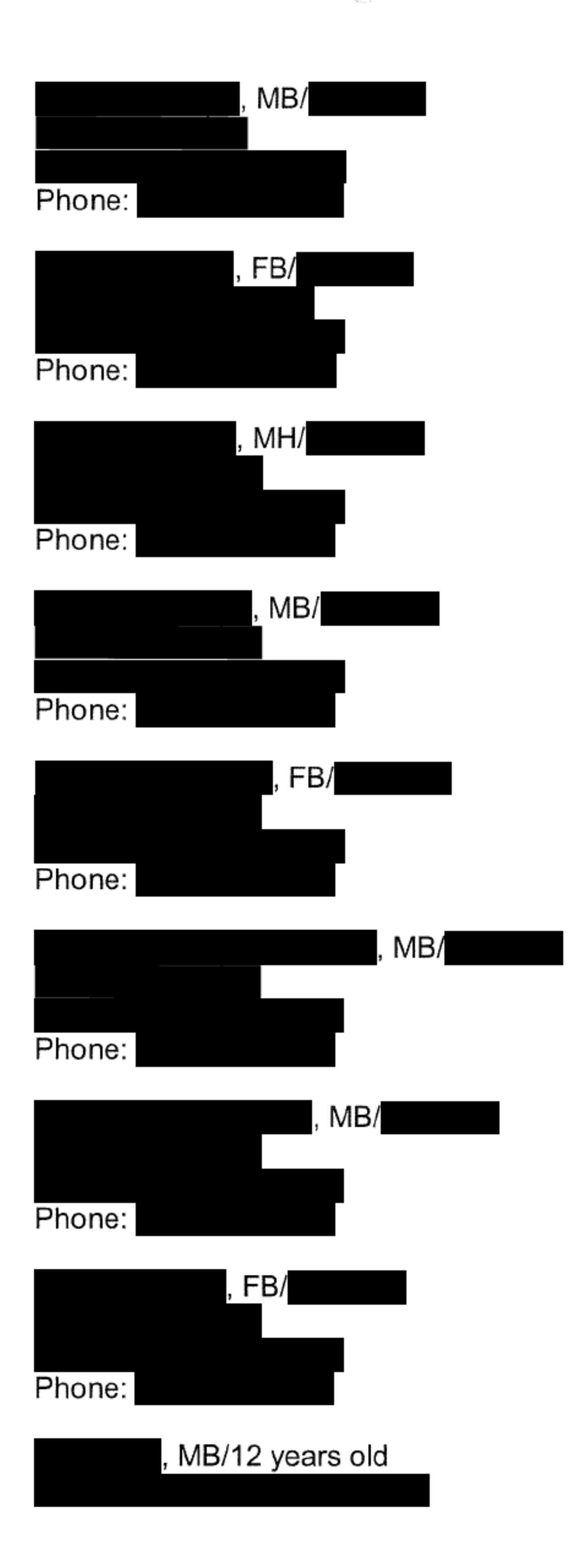
[redacted], MB/[redacted]
[redacted]
Phone: [redacted]

[redacted], FB/[redacted]
[redacted]
Phone: [redacted]

[redacted], MW/[redacted]
[redacted]
Phone: [redacted]

[redacted], FW/[redacted]
[redacted]
Phone: [redacted]

[redacted], FB/[redacted]
[redacted]
Phone: [redacted]



[redacted], MB/[redacted]
[redacted]
Phone: [redacted]

[redacted], FB/[redacted]
[redacted]
Phone: [redacted]

[redacted], MH/[redacted]
[redacted]
Phone: [redacted]

[redacted], MB/[redacted]
[redacted]
Phone: [redacted]

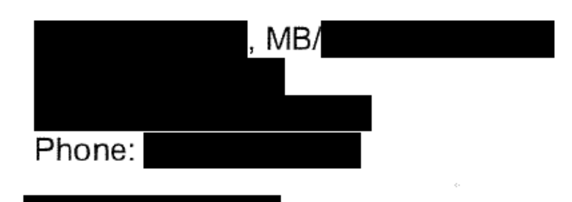
[redacted], FB/[redacted]
[redacted]
Phone: [redacted]

[redacted], MB/[redacted]
[redacted]
Phone: [redacted]

[redacted], MB/[redacted]
[redacted]
Phone: [redacted]

[redacted], FB/[redacted]
[redacted]
Phone: [redacted]

[redacted], MB/12 years old
[redacted]


[redacted], MB/[redacted]
[redacted]
Phone: [redacted]

[redacted] MB/[redacted]
Los Angeles County Department of Parks and Recreation
13055 Clovis Ave
Los Angeles, CA 90059
Phone: (310) 603-3725

[redacted] MB
Los Angeles County Department of Parks and Recreation
13055 Clovis Ave
Los Angeles, CA 90059
Phone: (310) 603-3725

PHYSICAL EVIDENCE

All physical evidence was collected and documented by Scientific Services Bureau personnel.

WEAPON USED BY DEPUTY DIAZ

Personal weapons.

WEAPON USED BY DEPUTY ALCALA

Personal weapons

WEAPON USED BY DEPUTY EMBLETON

Personal weapons

WEAPON USED BY SUSPECT MONTGOMERY

Personal weapons.

INTERVIEW OF SUSPECT BARRY MONTGOMERY

Compton Station Watch Commander, Lieutenant Nabeel Mitry (#[redacted]), conducted a videotaped interview with Suspect Montgomery. Lieutenant Mitry went on tape with Suspect Montgomery three separate times. Compton Station Field Sergeant, Sergeant Marvin Jaramilla (#[redacted]), was also present and operated the video camera. A copy of the interviews was included with this case. Following is a summary of Lieutenant Mitry's interviews.

Suspect Montgomery was interviewed on videotape inside Harbor-UCLA General Hospital on July 15, 2014, at 0040 hours. Suspect Montgomery stated he went to the park to smoke marijuana, because he did not want to smoke it at his house for fear of getting caught by his parents.

He was standing in the park when two deputies arrived and contacted him. Suspect Montgomery told the deputies he had a "deuce-deuce," and was a Westside Piru gang member. He did this because he saw the deputies had guns, and wanted to pretend he had a gun as well. He further explained, he also cursed at the deputies, "in a good way," because he felt the deputies were "messing" with him for no reason. When the deputies attempted to touch him, he had a "quick reaction," and was then tackled to the ground. He said the incident occurred so fast, he could not remember what happened, nor could he explain what he meant by a "quick reaction."

Once on the ground, Suspect Montgomery tried to apologize to the deputies, but also admitted to trying to punch them as well. However, Suspect Montgomery did not think any of his punches landed. The deputies hit Suspect Montgomery 2-3 times in the face, and kicked him a couple of times on each side of his rib cage. The next thing he remembered was arriving at the hospital.

Lieutenant Mitry went back on tape with Suspect Montgomery a second time to document the injuries to Suspect Montgomery's face.

Lieutenant Mitry went on tape a third time, at 0057 hours, to obtain clarification on the alleged kicks to Suspect Montgomery's rib cage. Suspect Montgomery did not observe the deputies kicking him the in the rib cage, but felt it could have been either kicks or punches.

Suspect Montgomery was interviewed by Internal Affairs Bureau Investigators on July 15, 2014, at 2221 hours, at Compton Station. Following is a summary of that interview. For more information and precise wording, see the attached verbatim interview transcription.

Suspect Montgomery stated he went to Enterprise Park to smoke marijuana. He does this regularly, because he does not want to get caught smoking marijuana in front of his parents. He was near the park benches for a couple of minutes before the deputies arrived.

When the deputies pulled up in the radio car, approximately 14 to 15 feet from him, Suspect Montgomery had not yet begun smoking marijuana. The deputies got out of the car and told him to come over to the hood. When he refused, they used profanities toward him and threatened to "whoop his ass." The deputies continued using profanities, which caused Montgomery to lose his temper.

The deputies asked Suspect Montgomery if he had any narcotics on him, and he told them he had a gun. He went on to explain that even though he knew it was the police,

he saw the deputies with guns, and it frightened him. Therefore, he stated he had a gun as well. Suspect Montgomery stated the deputies did not take their guns out of their holsters.

The deputies continued threatening to "whoop his ass," and at one point during the conversation, Suspect Montgomery took a boxer's stance. Suspect Montgomery identified the deputies by size. The "bigger" deputy (Deputy Diaz) was the one who cursed at him, and threatened to "whoop his ass." The "smaller" deputy is identified as being Deputy Alcala. Both deputies then approached him, and when they got close, Suspect Montgomery "socked" Deputy Diaz one time in the face. Deputy Diaz then pushed him to the ground and hit him in the ribs and stomach.

When Suspect Montgomery was pushed to the ground, he landed face down on his stomach. The deputies held him on the ground, but he tried to wrestle and break free. Suspect Montgomery was uncertain on how he was handcuffed, and complained that everything went dark and he does not remember what happened after that.

IAB Note: Suspect Montgomery's account of this part of the incident was inconsistent. He initially stated he heard the deputies ordering him to lie still, but then said the deputies did not say anything. Also, he wavered between whether or not he was compliant. Refer to page 16-20 of Suspect Montgomery's interview transcripts.

SUSPECT INJURIES

Suspect Montgomery had swelling to his nose, left cheek, left eye, upper lip, and right eye, a small laceration on the left eyebrow, abrasions to upper back, bruising to right rear rib cage, and bruising on his left bicep. Photos of Suspect Montgomery's injuries are included with this case on a Compact Disc.

Suspect Montgomery was treated on scene by Los Angeles County Fire Engine Company #95, under the direction of Captain Ortiz. He was transported to Harbor-UCLA General Hospital for medical treatment and booking approval (patient # [redacted]). Suspect Montgomery was treated by Doctor Charles Randazzo and approved for booking. Internal Affairs investigators contacted Doctor Randazoo regarding Suspect Montgomery's injuries.

Doctor Randazzo noted Suspect Montgomery had bruises and swelling on his face, particularly around the mouth, left cheek, and left eye (where Suspect Montgomery sustained a fractured orbital). There was a laceration noted above Suspect Montgomery's right eye. He stated the orbital fracture may require surgery, but may also heal on its own. The results of the CAT scan came back normal with no brain injury.

Doctor Randazzo said the injuries to Suspect [redacted]'s head were caused by blunt force. He said they could have been caused by a baton, hand, fist, the ground, or kicks with a

shoe or knee. He also stated the fractured orbital was consistent with blunt force, and consistent with hitting someone with a fist.

Suspect Montgomery's rib fractures were also the result of blunt force, and consistent with punches. He was unable to provide any additional specific information regarding the blunt force, such as if anything other than a fist was used.

In regard to the abrasions on Suspect Montgomery's back, he was unsure on how he received those injuries, but stated it was possible to obtain those from scraping his back on the ground while wrestling.

According to the medical paperwork, Suspect Montgomery fractured the 5th-7th ribs. A toxicology test was not conducted.

INVOLVED PARTIES' INTERVIEWS

DEPUTY ARMANDO DIAZ

Deputy Diaz was interviewed by Internal Affairs Investigators on September 17, 2014 and November 13, 2014. He also submitted a written report documenting the incident. Following is a summary of those interviews and Deputy Diaz's report. For more information and precise wording, see the attached verbatim interview transcriptions, and SHAD-49.

Deputy Armando Diaz was assigned to the Summer Violent Crime Enforcement Team (SVCET), with his partner Deputy Jonathan Alcala, on July 14, 2014. They were conducting a routine patrol check of Enterprise Park (13055 Clovis Avenue, Los Angeles) and drove through the parking lot located on the south side of the park. As they drove westbound toward the end of the lot, they each smelled the odor of burnt marijuana emanating from the park benches just north of them. Deputy Diaz went to complete a U-turn in the west end of the lot, when they saw a male black standing near some park benches. Deputy Diaz stopped the vehicle in order to investigate.

Deputy Diaz reported seeing the male black, later identified as Suspect Barry Montgomery, smoking what appeared to be a joint. Deputy Diaz exited the vehicle and asked Suspect Montgomery if he was smoking marijuana. Suspect Montgomery replied, "I'm smoking, I'm smoking weed." Deputy Diaz advised Suspect Montgomery it was illegal to smoke marijuana on park grounds, and asked him to put it out so they could speak to him. Deputy Diaz then asked Suspect Montgomery for his identification, but Montgomery did not have it in his possession. Also, he initially refused to provide his name and birth date. He eventually told the deputies his information after some delay, allowing Deputy Alcala to run him on the Mobile Digital Computer (MDC).

Deputy Alcala was seated in the passenger seat of the patrol car checking the information, while Deputy Diaz conversed with Suspect Montgomery. Deputy Diaz asked Montgomery if he had any additional marijuana on him, as well as, if he was in

possession of any weapons. Suspect Montgomery told Diaz he had marijuana, but did not respond at first to the questions about weapons.

Deputy Alcala finished running Suspect Montgomery on the computer, and advised Diaz there were not any wants or warrants. Deputy Diaz instructed Suspect Montgomery to turn around and place his hands behind his back, while advancing toward him. When they got within a few feet of each other, Suspect Montgomery shouted, "Westside Piru nigga, I'm going to kill both of you with my deuce-deuce."

IAB Note: The term "deuce-deuce" is a street term used to describe a .22 caliber firearm.

As Suspect Montgomery shouted at the deputies, he simultaneously lunged forward and threw a punch at Deputy Diaz's face with his right fist. Deputy Diaz unsuccessfully attempted to dodge the punch, and was hit on the right shoulder. Deputy Diaz immediately grabbed Suspect Montgomery in a "bear hug" type hold, and took him to the ground.

After the takedown, Suspect Montgomery landed on his back, while Deputy Diaz landed face down on top of him. Being on the ground did not hinder Suspect Montgomery's attack; he continued throwing punches from his lying position upward at Deputy Diaz. Deputy Diaz believed Montgomery's punches hit him several times in the chest area. In an effort to stop Montgomery's assault, Diaz responded by punching back two to three times at Suspect Montgomery's face, and shouted, "Stop fighting!" He then delivered three elbow strikes to Suspect Montgomery's face. The punches and elbow strikes did not stop Suspect Montgomery's attack, but enabled Deputy Diaz enough control to turn Montgomery onto his stomach.

After Deputy Diaz turned Suspect Montgomery over, Deputy Alcala arrived to assist. Deputy Alcala tried to gain control of Suspect Montgomery's left wrist. Deputy Diaz stated he saw Deputy Alcala deliver a punch to Suspect Montgomery's right rib cage. Deputy Diaz did not see any objects in Deputy Alcala's hand when he punched Suspect Montgomery.

IAB Note: Deputy Alcala stated in his report, and during his interviews, he punched Suspect Montgomery in the left rib cage, not the right. According to Suspect Montgomery's medical report, he sustained three broken ribs to his right rib cage. See Exhibit G for the medical report.

Deputy Diaz said after Deputy Alcala struck Suspect Montgomery, he assisted Deputy Alcala in securing Montgomery's left arm. He and Deputy Alcala secured Suspect Montgomery's left wrist behind the small of his back, but did not complete the handcuffing process. Suspect Montgomery's right arm remained free, which he flailed wildly just prior to Deputy Embleton's arrival.

IAB Note: There were some discrepancies noted in Deputy Diaz's written report and his first interview. He wrote on page 4, paragraph 3, of his report: "I saw Deputy Alcala deliver a punch at S/Montgomery's right rib cage area in an attempt to gain control of his right hand, but was unsuccessful as S/Montgomery was able to elude his right hand from Deputy Alcala." During Deputy Diaz's first interview, he stated this same fact regarding gaining control of Suspect Montgomery's right hand. During Deputy Diaz's second interview, he clarified he made a "typo" on his written report. He said the report should have reflected Suspect Montgomery's left hand, not his right hand. He further clarified; his statements during the first interview were influenced by his written report because he was using his report to refresh his memory of the incident. See page 20 of Deputy Diaz's second interview. However, during his first interview, he was asked if his memory of the incident was better at the time he wrote the report, or presently during the interview, and he replied, "It's both." See page 21 of Deputy Diaz's first interview transcription.

Deputy Diaz described the flailing action as an attempt to strike him or Deputy Alcala while on the ground. When Deputy Embleton arrived, Suspect Montgomery tucked his right arm underneath his body again, and placed it near his waistband.

Deputy Embleton took a position toward Suspect Montgomery's upper torso, and gave Suspect Montgomery verbal instructions to stop fighting and give up his hand. Suspect Montgomery did not comply with the orders, and Deputy Embleton delivered two to three punches to the right side of Montgomery's face. The punches proved effective, which allowed Deputy Embleton to retrieve Suspect Montgomery's right arm and place it behind his back for handcuffing. Both Deputy Alcala and Deputy Embleton handcuffed the suspect without further incident. Deputy Diaz reported his force to Sergeant Mark Lopez.

DEPUTY JONATHAN ALCALA

Deputy Alcala was interviewed by Internal Affairs Investigators on September 17, 2014 and April 14, 2015. He also submitted a written report documenting the incident. Following is a summary of those interviews and Deputy Alcala's report. For more information and precise wording, see the attached verbatim interview transcriptions, and Supplemental Report.

Deputy Alcala was partnered with Deputy Diaz on the night of July 14, 2014. They were conducting a patrol check of Enterprise Park when he smelled the odor of burnt marijuana while driving through the parking lot (Deputy Alcala was in the front passenger's seat, with the window rolled down). The odor was coming from the direction of a male adult standing near some tables, just west of the restrooms. He

further noticed the male adult, later identified as Suspect Montgomery, throw up his hands in their direction as he walked back and forth.

They were in the process of conducting a three-point turn when Deputy Diaz stopped the car. Deputy Alcala scanned the area and did not see anyone else inside the park. As he exited their patrol car, Deputy Alcala observed Suspect Montgomery removing a jacket. They slowly approached Suspect Montgomery on foot, while continuing to assess the area around them. Deputy Diaz made the initial contact and asked Suspect Montgomery if he was smoking weed. Suspect Montgomery replied, "Yeah, I'm smoking weed. Fuck you, Westside Piru." They stood there briefly, in disbelief by the response, and then Diaz asked additional questions to get some indication on which way the traffic stop was going to play out.

During their conversation with Suspect Montgomery, Deputy Diaz asked him for his identification. Suspect Montgomery did not have it in his possession, and reluctantly gave them his personal information after some convincing. Deputy Alcala estimated they were approximately 20-25 feet away from Suspect Montgomery during this time. Deputy Alcala returned to the passenger seat of their vehicle to run Suspect Montgomery's information on the MDC. When the return came back to the MDC, Deputy Alcala reviewed the information for any wants or warrants, along with other pertinent information. Upon completing the check via computer, Deputy Alcala returned to Deputy Diaz and advised him Suspect Montgomery did not have any wants or warrants.

Deputy Diaz approached Suspect Montgomery in order to detain him pending a narcotics investigation. As Deputy Diaz got closer, Suspect Montgomery stated, "Fuck you, Westside Piru. I'm gonna (*sic*) smoke you and you with my deuce-deuce," and simultaneously threw several punches at Deputy Diaz. Deputy Alcala saw the punches directed at Deputy Diaz's face and upper torso, but he did not see if any of them landed.

Deputy Diaz grabbed Suspect Montgomery underneath both armpits, lifted him up about six inches off the ground, and then took him to the ground. Suspect Montgomery landed face up, with his back hitting the concrete, and Deputy Diaz landed face down on top of him. Once on the ground, Suspect Montgomery continued his attack by punching at Deputy Diaz from a lying position. He punched several times at Diaz's face and upper torso, but Deputy Alcala was unsure if any of Montgomery's punches landed on their intended target. He then saw Deputy Diaz punch back at Suspect Montgomery's face approximately four times, using both fists. Deputy Alcala did not recall if the punches landed on Suspect Montgomery's face or upper torso.

IAB Note: **Deputy Alcala did not recall the incident correctly during his first interview. He stated he did not see any punches exchanged between Deputy Diaz and Suspect Montgomery once they were on the ground, although he wrote he did in his Supplemental Report. He said in his first interview; after Deputy Diaz performed the takedown, he averted his eyes**

briefly to assess his surroundings, and when he came back on view of the fight, Suspect Montgomery was faced down, *see pages 22-25, and 42 of Deputy Alcala's first interview transcripts*. During Deputy Alcala's second interview, he stated he was confused during the first interview as to what portion of the fight investigators were referring to, and he did not utilize his report to refresh his memory. He did in fact see the punches thrown by Suspect Montgomery and Deputy Diaz as described above, *see pages 2-8 of Deputy Alcala's second interview for clarification.*

Within seconds of the suspect's initial punch, Deputy Alcala requested assistance over the dispatch channel, and scanned the area for any additional threats. After his broadcast, he went to assist Deputy Diaz. Suspect Montgomery was now faced down on the concrete, with Deputy Diaz still on top of him. Deputy Alcala took a position to the left side of both Diaz and Montgomery, and went down to one knee. He grabbed ahold of the suspect's left elbow, and attempted to yank Montgomery's left arm from underneath him. Deputy Alcala's efforts were unsuccessful, as Montgomery countered by contracting his arm, drawing it in closer toward the front of his waistband.

Deputy Alcala tugged a few more times on Montgomery's left arm, but when he realized he was not able to overcome Suspect Montgomery's resistance, he punched Montgomery's left abdomen area two to three times with his left hand. After the strikes, Suspect Montgomery released his left arm, allowing Deputy Alcala to place it behind his (Montgomery's) back.

IAB Note: Deputy Alcala stated in his report, and during both interviews, he did not strike Suspect Montgomery on the right side. All punches were directed to the left side of Suspect Montgomery. Deputy Diaz indicated in his report, and during his interviews, he saw Deputy Alcala strike Montgomery on the right side. Suspect Montgomery sustained three broken ribs to the right rear area of his ribcage.

Deputy Alcala repositioned himself on the ground to keep Suspect Montgomery's arm pinned behind him, which enabled Alcala to handcuff him more effectively. Deputy Diaz was still on top of Suspect Montgomery, which blocked Alcala's view of Montgomery's right arm. He did state, when he initially assisted with the fight he saw Montgomery's right arm underneath him, but he lost sight of it when he focused on Montgomery's left side.

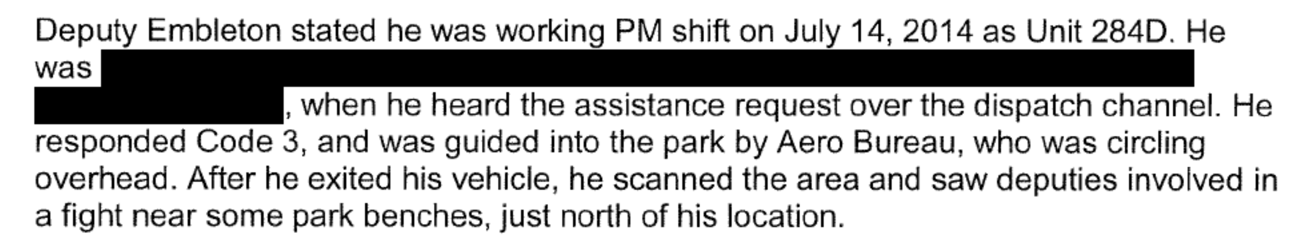
During this time, Deputy Embleton arrived on scene. When he ran up to assist, Deputy Alcala advised him of Montgomery's statements regarding a firearm. Deputy Embleton attempted to pull Suspect Montgomery's right arm from underneath his body, but was unable to immediately do so. He then saw Deputy Embleton deliver two punches to Montgomery's face. According to Deputy Alcala, the strikes did not appear to be

effective, and he saw Deputy Embleton deliver an elbow strike, with this right elbow, to Suspect Montgomery's face. Shortly after the elbow strike, he saw Deputy Embleton gain control of Suspect Montgomery's right hand, and they were able to handcuff Suspect Montgomery without further incident.

Deputy Alcala broadcasted the incident was, "Code 4," followed by a request for medical aid. Several additional units arrived immediately following the radio broadcast. Deputy Alcala reported his force to Sergeant Mark Lopez.

DEPUTY AUSTIN EMBLETON

Deputy Embleton was interviewed by Internal Affairs Bureau Investigators on September 17, 2014. He also submitted a written report documenting the incident. Following is a summary of the interview. For more information and precise wording, see the attached verbatim interview transcription, and Supplemental Report.



Deputy Embleton stated he was working PM shift on July 14, 2014 as Unit 284D. He was [redacted], when he heard the assistance request over the dispatch channel. He responded Code 3, and was guided into the park by Aero Bureau, who was circling overhead. After he exited his vehicle, he scanned the area and saw deputies involved in a fight near some park benches, just north of his location.

Deputy Embleton initially retrieved his firearm upon exiting his patrol car, but quickly re-holstered when he ran over to assist. He saw Suspect Montgomery lying face down on the ground, with Deputy Diaz on his back. Deputy Alcala was on the suspect's left side, controlling the suspect's left wrist. At that time, Deputy Alcala advised him to control the suspect's arm because the suspect said he had a gun. Deputy Embleton saw the suspect's right arm exposed briefly, before he retracted it underneath his body. Deputy Embleton believed the suspect was retrieving a firearm from his waistband, so he knelt near the suspect's head and shoulders, and attempted to pull Suspect Montgomery's right arm from underneath him.

While giving Suspect Montgomery verbal commands, Deputy Embleton used his left arm to try and pull on Suspect Montgomery's right arm. When Deputy Embleton exerted his force, Suspect Montgomery resisted by tensing his arm, and drawing it further underneath his body. Fearing Suspect Montgomery was definitely retrieving a firearm, Deputy Embleton did not want to get into a "tug-of-war" type situation with the suspect, and consequently, punched Montgomery twice, with his right fist, to the right side of Montgomery's face.

Deputy Embleton believed the punches dazed Suspect Montgomery, but not enough to cause him to release his right arm, therefore, he employed his right elbow to strike Montgomery once on the face. Deputy Embleton also felt as though he injured his right wrist during the initial punches, which influenced his decision to utilize his elbow. The use of his elbow proved effective, because subsequent to the strike, Suspect

Montgomery gave up his hand, allowing Deputy Alcala and him to handcuff Montgomery without further incident.

After Suspect Montgomery was handcuffed, they did a quick sweep of Montgomery's waistband for a firearm, then several additional units arrived on scene. Deputy Embleton then met with his Sheriff's Department supervisors, Sergeant Mark Lopez, and reported his use of force.

RADIO TRANSMISSION:

The dispatch radio traffic is contained within two audio files ("SCC Part 1" and "SCC Part 2"). The dispatch audio starts at 2125 hours, on July 31, 2014, with 280W2 (Deputies Diaz and Alcala) requesting emergent traffic, approximately fourteen seconds into the file. They broadcasted they were involved in a fight at Enterprise Park. Eleven seconds later, Deputy [redacted] (281D) can be heard broadcasting they were responding. At twenty-five seconds, 280S (Sergeant Carter) advised she was responding. Thirty-nine seconds into the broadcast, SCC asks if Aero Bureau is on the frequency, and Aero Bureau affirms. At fifty-five seconds, Aero Bureau asks which part of the park 280W2 was located, and they replied, underneath the picnic area, south of the gymnasium (yelling is heard in the background). At one minute and five seconds later, Aero bureau directed a unit to the location off of 131st Street. At one minute and twenty-one seconds, Unit 284D (Deputy Embleton) advised he was Code-6. The first audio ended approximately one minute and thirty-five seconds after the initial emergent traffic request.

The second audio begins with the automated identifier at 2126 hours, and lasts for thirteen seconds. Five seconds later, Aero advised one unit was Code 6, and directed another unit to the awning, north of the radio cars. Seconds later, a unit asks Aero Bureau to confirm Central Avenue and 131st Street. At forty-two seconds, a unit asks for a better location. SCC re-advised the location, and included under the picnic tables. At fifty-seven seconds, 280W2 advised the incident was Code-4, detaining 1, and shut down additional Code-3 responses. At one minute and thirty seconds, 280W2 confirmed with SCC that 902R was needed for the suspect. At one minute and thirty eight seconds, the patch was released with a time of 2129 hours. Compact Discs containing the SCC audios (Part 1 and Part 2) are included with this case (**Exhibit I**).

WITNESSES STATEMENTS

There were no witnesses identified on the date of the incident. After allegations regarding misconduct were brought forth, investigators canvassed the surrounding neighborhood for witnesses. Following is a summary of those contacts. For more information and precise wording, see the attached verbatim interview transcriptions for those who were recorded. Those interviewed were labelled as witnesses for the purposes of this report, whether they were aware of the incident or not.

Witness [redacted] was interviewed at his residence on July 18, 2014, at 2242 hours. He lived at [redacted] with his [redacted], [redacted] Mr. [redacted] stated he was home, asleep in his bedroom, at the time of the incident. He did not see or hear any portion of the force incident. His [redacted] was also home, along with his [redacted], [redacted], and her friend, [redacted], who were visiting at the time.

Witness [redacted] was interviewed at her residence on July 18, 2014, at 2245 hours. She lived with her [redacted], [redacted], at the above listed address. She stated she was home at the time of the incident, along with her [redacted], and [redacted] friend. She was aware several police officers and ambulance arrived at the park, but did not see the incident. She remained inside her home when she heard all of the police activity. She further reported she consistently hears fireworks/gunshots every night, especially since the passing of the Fourth of July, but did not specifically recall hearing them on July 14. She also heard a female yelling and screaming, but that is a regular occurrence as well, and therefore did not call 911.

Witness [redacted] was interviewed telephonically on August 5, 2014, at 1215 hours. She stated she and her friend, [redacted], were visiting her [redacted] on July 14, 2014. She recalled hearing a really loud firecracker and some yelling, but was unsure of what time that occurred. She later heard and saw the lights and sirens of police cars at the park, approximately 45 minutes after the fireworks. Her [redacted] opened the door briefly to see what was going on, but closed the door shortly after. [redacted] stated she did not go or look outside at the police activity. She described her neighborhood as "scary," and does not go outside when the police are around, knowing there is something going on.

Witness [redacted] was interviewed telephonically on August 5, 2014, at 1224 hours. She stated she was at her friend's ([redacted]) [redacted] house at [redacted] on July 14, 2014. She recalled hearing some loud, "obnoxious" fireworks around sundown, followed by some yelling approximately 5-10 minutes later. She said they did not call the police, because she believed they were already on their way. She also did not look outside, but heard a helicopter overhead shortly after the fireworks. Ms. [redacted] estimated the time from when she heard the fireworks, to when she heard the police arriving was approximately 15-20 minutes.

Witness [redacted] was interviewed at his residence on July 18, 2014, at 2231 hours. He lived at [redacted] with his [redacted], [redacted] Mr. [redacted] stated he was sleeping when his [redacted] woke him up advising that the police were at the park. He never got up to look outside to see what was going on. He also did not hear anything either.

Witness [redacted] was interviewed at her residence on July 18, 2014, at 2236 hours. Mrs. [redacted] was very reluctant to speak with investigators. She was only willing to state she did not see a fight at the park, nor did she hear gunshots or firecrackers at the time of the incident.

Witness [redacted] was interviewed at her residence on July 23, 2014, at 1400 hours. Ms. [redacted] lived at [redacted]. She stated she was not at home on July 14, 2014 between 2100-2200 hours. She was at another family member's house, out of the area.

Witness [redacted] was interviewed at his residence on July 23, 2014, at 1406 hours. Mr. [redacted] lived in a [redacted] at [redacted] (same property as Witness [redacted]). Mr. [redacted] stated he was at work on July 14, 2014 between 2100-2200 hours. Mr. [redacted] worked at [redacted] in [redacted].

Witness [redacted] was interviewed at his residence on July 18, 2014, at 2124 hours. He lived at [redacted] with his [redacted] [redacted]. Mr. [redacted] stated he was watching television in his living room, which sits toward the front of the house, when he heard the sounds of helicopters and automobiles speeding in the area. He then noticed flashing lights reflecting off his interior walls. He looked out one of his windows and saw police cars in the parking lot of the park, and officers searching on the ground near the bathroom with flashlights. Mr. [redacted] went out onto his porch to get a better view, and saw several other people from the neighborhood walk toward the park. Eventually more police cars, an ambulance, and fire trucks arrived. Mr. [redacted] stated his [redacted] remained inside of the house during the incident. He did not see the fight involving the deputies, nor did he hear any yelling and screaming. Mr. [redacted]'s [redacted] was not home at the time of the interview. A business card was left with Mr. [redacted] for [redacted] to call investigators.

IAB Investigators went back to Mr. [redacted]'s residence on July 23, 2014, at 1320 hours in an attempt to contact [redacted]. She was not at home at the time, and an additional business card was left requesting her to contact the Sheriff's Department. She had not contacted the Sheriff's Department at the time this case was submitted.

Witness [redacted] was interviewed at her residence on July 18, 2014, at 2145 hours. Ms. [redacted] lived at [redacted] with her [redacted], [redacted], and her [redacted], [redacted]. She stated she did not recall if she was awake at the time of the incident. She said she did not hear gunshots, fireworks, sirens, or signs of a fight that night. She did not become aware of the incident until she saw the news media coverage.

Witness [redacted] was interviewed on July 18, 2014, at 2149 hours. She stated she was moving her car from the street to the driveway when she saw police cars with their emergency lights on at the park. She did not hear any gunshots or fireworks during that timeframe. She also did not see the fight involving the deputy sheriffs.

Witness [redacted] was interviewed on July 18, 2014, at 2156 hours. She stated she was inside the house when she saw two police cars drive southbound on Clovis Street toward the park. She was looking out of her [redacted] bedroom window. She did not hear any gunshots, yelling, screaming, or fireworks prior to seeing the police cars

drive by her house. She also did not recall hearing a helicopter, nor did she see a fight involving deputy sheriffs.

Witness [redacted] was interviewed on July 18, 2014, at her residence at [redacted], at 2209 hours. Witness [redacted] stated she was probably asleep between 2100-2130 hours on Monday, July 14, 2014. She was completely unaware there was an incident at the park. She did not hear anything such as gunshots, police sirens, or helicopters.

The following interviews were conducted by IAB Investigators David Wessol and John Adams. These interviews were conducted as part of the canvassing of the neighborhood. For further details and precise wording, see the transcribed interviews which are included with this case.

Witness [redacted] was interviewed on July 18, 2014, at his residence at [redacted], at 2122 hours. [redacted] Witness [redacted] was home at the time of the incident. The only thing Witness [redacted] heard was the sound of the helicopter flying overhead. He did not hear any screams, gunshots, or fireworks; but, he further added he hears fireworks in the area regularly.

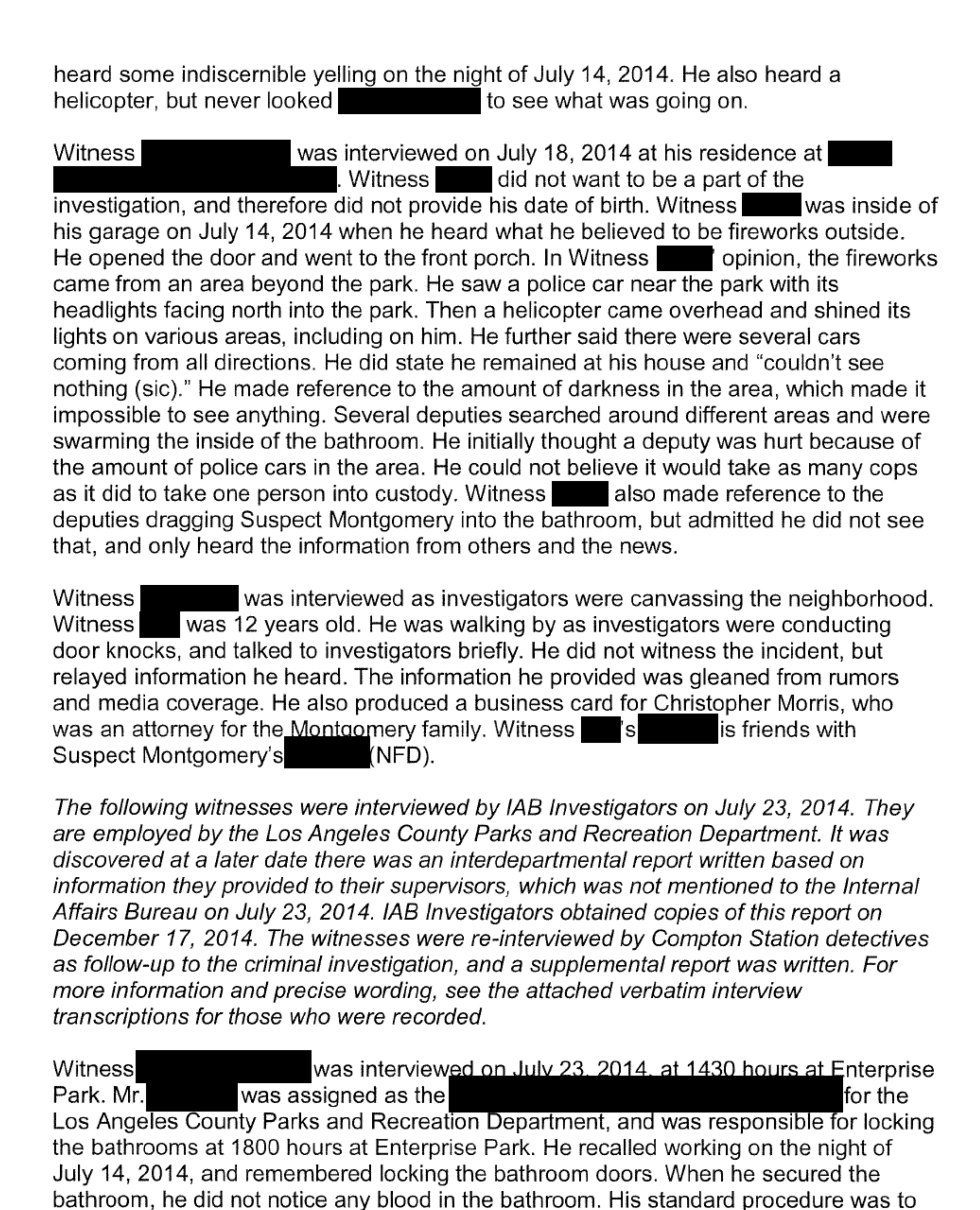
Witness [redacted] was interviewed on July 18, 2014, with her [redacted]. She, too, was home at the time of the incident, but did not hear any kind of scuffle or fireworks. She also heard the helicopter overhead, but remained in the house.

Witness [redacted] was interviewed on July 18, 2014, at his residence at [redacted], at 2127 hours. [redacted]. Witness [redacted] was home at the time of the incident on July 14, 2014, but did not hear anything associated with the force incident.

Witness [redacted] was interviewed on July 18, 2014, at his residence at [redacted], at 2129 hours. [redacted]. Witness [redacted] was home on July 14, 2014, at the time of the incident, but did not see what happened. He reported hearing some loud music prior to a helicopter flying overheard. He did not hear any gunshots or screaming.

Witness [redacted] was interviewed on July 18, 2014, with her [redacted], [redacted]. Witness [redacted] was home at the time of the incident on July 14, 2014. She reported hearing similar noises as her [redacted]. She heard loud music, and then a helicopter flying overhead. She did not hear gunshots or screaming.

Witness [redacted] was interviewed on July 18, 2014, at his residence at [redacted]. Witness [redacted] stated he did not hear any gunshots, but



heard some indiscernible yelling on the night of July 14, 2014. He also heard a helicopter, but never looked [redacted] to see what was going on.

Witness [redacted] was interviewed on July 18, 2014 at his residence at [redacted]. Witness [redacted] did not want to be a part of the investigation, and therefore did not provide his date of birth. Witness [redacted] was inside of his garage on July 14, 2014 when he heard what he believed to be fireworks outside. He opened the door and went to the front porch. In Witness [redacted]' opinion, the fireworks came from an area beyond the park. He saw a police car near the park with its headlights facing north into the park. Then a helicopter came overhead and shined its lights on various areas, including on him. He further said there were several cars coming from all directions. He did state he remained at his house and "couldn't see nothing (sic)." He made reference to the amount of darkness in the area, which made it impossible to see anything. Several deputies searched around different areas and were swarming the inside of the bathroom. He initially thought a deputy was hurt because of the amount of police cars in the area. He could not believe it would take as many cops as it did to take one person into custody. Witness [redacted] also made reference to the deputies dragging Suspect Montgomery into the bathroom, but admitted he did not see that, and only heard the information from others and the news.

Witness [redacted] was interviewed as investigators were canvassing the neighborhood. Witness [redacted] was 12 years old. He was walking by as investigators were conducting door knocks, and talked to investigators briefly. He did not witness the incident, but relayed information he heard. The information he provided was gleaned from rumors and media coverage. He also produced a business card for Christopher Morris, who was an attorney for the Montgomery family. Witness [redacted]'s [redacted] is friends with Suspect Montgomery's [redacted] (NFD).

The following witnesses were interviewed by IAB Investigators on July 23, 2014. They are employed by the Los Angeles County Parks and Recreation Department. It was discovered at a later date there was an interdepartmental report written based on information they provided to their supervisors, which was not mentioned to the Internal Affairs Bureau on July 23, 2014. IAB Investigators obtained copies of this report on December 17, 2014. The witnesses were re-interviewed by Compton Station detectives as follow-up to the criminal investigation, and a supplemental report was written. For more information and precise wording, see the attached verbatim interview transcriptions for those who were recorded.

Witness [redacted] was interviewed on July 23, 2014, at 1430 hours at Enterprise Park. Mr. [redacted] was assigned as the [redacted] for the Los Angeles County Parks and Recreation Department, and was responsible for locking the bathrooms at 1800 hours at Enterprise Park. He recalled working on the night of July 14, 2014, and remembered locking the bathroom doors. When he secured the bathroom, he did not notice any blood in the bathroom. His standard procedure was to walk into the bathroom to verify if it was empty when he locks up. He added that he

sees deputies enter the bathroom frequently after hours, and they gain access by utilizing their own keys.

> IAB Note: **Witness [redacted] based his belief that deputies have their own keys on assumption, rather than personal knowledge. Witness [redacted] did not want to be recorded for the interview.**

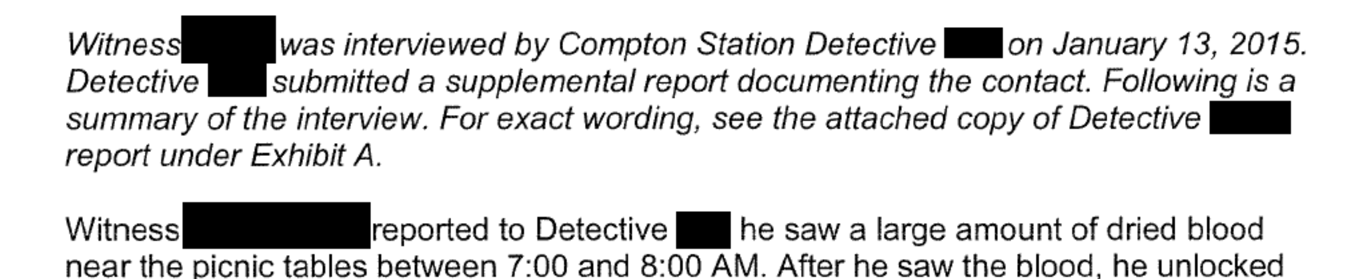
Witness [redacted] was interviewed by Compton Station Detective [redacted] on January 26, 2015. Detective [redacted] submitted a supplemental report documenting the contact. The following is a summary of the interview; for exact wording, see the attached copy of Detective [redacted] report under Exhibit A.

Detective [redacted] confirmed with Witness [redacted] that he locked the bathrooms on July 14, 2014. When Witness [redacted] was asked if he knew whether or not any Los Angeles County Sheriff's Deputies possess keys to the restroom, he stated he did not know, but assumed they did due to the fact they work for the County of Los Angeles.

Witness [redacted] told Detective [redacted] he was contacted by a park patron, whom he only knew by the nickname "[redacted]," about witnessing the force incident between the deputies and Suspect Montgomery. Witness [redacted] described "[redacted]" as an older male, Black, and approximately 60 years old. "[redacted]" told Witness [redacted] he saw the deputies' patrol car parked for some time, before hearing a deputy tell Suspect Montgomery to come over to the vehicle. Several minutes later, "[redacted]" looked again toward the deputies, and saw Suspect Montgomery fighting with them. Suspect Montgomery was then dragged into the restroom by the deputies, where he heard screaming for several minutes. When additional patrol cars began arriving, Suspect Montgomery was dragged back toward the picnic tables. "[redacted]" then left the park.

> IAB Note: **This information was not disclosed to IAB Investigators when they interviewed Witness [redacted] shortly after the force incident, on July 23, 2014. In the internal report prepared by the Los Angeles County Parks and Recreation Department, on July 15, 2014, Witness [redacted] reported he spoke to a park patron, who was a male, Black, and approximately 20-25 years old. See the incident report included as Exhibit F.**

Witness [redacted] was interviewed on July 23, 2014, at 1330 hours at Enterprise Park. Mr. [redacted] worked maintenance for the Los Angeles County Parks and Recreation Department, and was responsible for opening the bathrooms in the morning. He stated when he arrived in the morning (July 15, 2014, at 0530 hours) he observed a heavy amount of blood under the picnic area; the blood was on the concrete, a table, and steps. He also noticed a light, "misty" blood/water mixture in the men's restroom. The blood/water mixture was around the faucet area and on the floor under the sink. Witness [redacted] washed the blood away with water from a hose.



Witness [redacted] was interviewed by Compton Station Detective [redacted] on January 13, 2015. Detective [redacted] submitted a supplemental report documenting the contact. Following is a summary of the interview. For exact wording, see the attached copy of Detective [redacted] report under Exhibit A.

Witness [redacted] reported to Detective [redacted] he saw a large amount of dried blood near the picnic tables between 7:00 and 8:00 AM. After he saw the blood, he unlocked the bathrooms and walked inside.

IAB Note: According to Witness [redacted] interview with IAB Investigators, he reported opening the bathrooms at 0530 hours.

He noticed several small drops, of what appeared to be watered down blood, near the sink. He roped off the areas and cleaned up the blood near the picnic tables and the bathroom.

The following witnesses were identified as the responding emergency personnel from July 14, 2014. Following is a summary of those contacts. For more information and precise wording, see the attached verbatim interview transcriptions for those who were recorded.

Witness **Fire Captain Ricardo Ortiz** was interviewed telephonically on July 29, 2014, at 1352 hours. Captain Ortiz was assigned to Engine #95, the responding fire engine company on July 14, 2014. He stated they arrived at Enterprise Park via 131st Street. When they arrived, they were allowed direct access to the patient (Suspect Montgomery), and were not delayed in any manner. He recalled observing several people in the area upon arrival. He saw approximately a dozen civilians on the corner, near the area where one enters the driveway for the park; not in the area of the where the suspect was located.

When they first made contact with Suspect Montgomery, the suspect was seated on the concrete, leaned up against a table, on the southeast corner of a covered patio area. He was upright and handcuffed with his hands behind his back. Additionally, Suspect Montgomery was conscious, breathing, and able to communicate. Captain Ortiz did not see anything wrapped around Suspect Montgomery's legs. He remembered Suspect Montgomery sitting on his buttocks, with his legs outstretched in front of him.

He was also unaware there was a bathroom located in the area. He recalled a building, but did not know what type of structure it was. He said there were numerous deputies in and around the building, and along the edges of the parking lot near the building, but he did not recall ever seeing someone going inside.

Witness **Fireman Marcus White** was interviewed telephonically on July 29, 2014, at 1404 hours. Fireman White was a member of the fire crew, Engine 95, who responded to Enterprise Park. When he arrived on scene, there was no delay by virtue of the deputies. He saw Suspect Montgomery sitting on the concrete, next to one of the tables,

with his hands behind his back. Suspect Montgomery was handcuffed, along with a strap around his ankles. Fireman White described the strap by comparing it to a belt, which he believed was gray in color.

Fireman White said the suspect was more or less moaning and muffling his words when they asked him questions, however, he was cooperative. Fireman White did not notice any deputy personnel going in or out of the bathroom at the park, but this was due, in part, to him focusing on caring for the patient. He did recall seeing several civilians in the area, but they were all centered near the corner of Clovis Avenue and 131st Street, closer to the houses, approximately 120 feet away. In Fireman White's opinion, from where the civilians were standing, coupled with obstacles potentially blocking their view, it would have been difficult for them to see anything.

Witness **Paramedic Ryan Brumback** was interviewed telephonically on July 29, 2014, at 1536 hours. Paramedic Brumback was a member of the paramedic crew who responded along with Engine 95. When Paramedic Brumback arrived on scene, Engine 95 and the ambulance company were already on scene. He saw civilians in the area, but they were standing near the bathroom, attempting to speak with deputy personnel. Suspect Montgomery was already loaded up on the gurney and in the back of the ambulance. The suspect was handcuffed to the gurney, but Paramedic Brumback did not notice any other restraint devices around the suspect's legs. Paramedic Brumback did notice several deputy personnel in the area, but couldn't specifically say if any of them were in the bathroom or not.

Witness **Emergency Medical Technician (EMT) Jared Isozaki** was interviewed telephonically on July 29, 2014, at 0736 hours. EMT Isozaki was partnered with EMT Jordan Miller on July 14, 2014. EMT Isozaki was the driver of the ambulance, and recalled seeing the suspect sitting on the ground, handcuffed, and leaning with his back up against some lunch tables. He stated there were no delays in access by deputy personnel, and in fact, was escorted to the patient by deputies as soon as they parked.

The suspect was cooperative with them, and answered their questions, although his responses were somewhat muddled by the swelling around his mouth. EMT Isozaki recalled seeing a black strap around Suspect Montgomery's ankles. During his contact with Suspect Montgomery, they remained near the park benches. EMT Isozaki was unaware there were any bathrooms in the vicinity.

Witness **Emergency Medical Technician (EMT) Jordan Miller** was interviewed telephonically on July 25, 2014, at 1233 hours. EMT Miller was employed by McCormick Ambulance Company on the night of the force incident. When he arrived on scene, he noticed several sheriffs' deputies, who directed them right to the patient (Suspect Montgomery). The Los Angeles County Fire Department arrived at the same time, and they both approached the patient simultaneously, who was sitting on the ground, handcuffed. Suspect Montgomery was also conscious and responsive. He did not appear uncooperative at that time.

EMT Miller and his partner, EMT Jared Isozaki, transported Suspect Montgomery in the back of their ambulance. He did not recall seeing a strap around the suspect's legs. When they arrived at the hospital, they assisted with transferring the suspect from the gurney onto a hospital bed, but still did not recall seeing a strap at that time either.

The following interview was conducted by Detective [redacted] *from Compton Station on February 9, 2015. This is a summary of that interview, which Detective* [redacted] *documented on a supplemental report. See the supplemental report under Exhibit A for exact wording.*

Witness **Fireman Jermaine Johnson** was a member of the Los Angeles County Fire Department who responded on July 14, 2014. When he arrived on scene, he observed Suspect Montgomery handcuffed and seated by one of the park benches. They rendered aid to Suspect Montgomery prior to transport to the hospital. Also, Fireman Johnson did not observe any deputy personnel enter or come out of the bathroom at the park.

SHERIFF'S DEPARTMENT PERSONNEL INTERVIEWS

The following Sheriff's Department personnel were interviewed regarding the force incident. None of those interviewed witnessed the force incident, but were included as supplemental to the incident. Following is a summary of those interviews, for precise wording, see the transcribed interviews included with this case.

Witness **Deputy Charles Gonzalez** was interviewed telephonically on August 6, 2014, at 2229 hours. Deputy Gonzalez was working Unit Air-24 for Aero Bureau on July 14, 2014, and was the pilot flying overhead during the force incident. His partner, Deputy [redacted], was the tactical flight deputy (observer) in the helicopter. Deputy Gonzalez stated when they heard the assistance request at Enterprise Park, it took about 15 seconds for them to fly overhead. When they arrived, he saw a patrol car parked in the south part of the park, just south of a picnic overhang. He was unable to see either the deputies or the suspect due to the picnic overhang. Deputy Gonzalez scanned the entirety of the park as part of his procedure, since he did not know if there were outstanding suspects, and did not see anyone else in the vicinity.

Witness **Deputy** [redacted] was interviewed telephonically on August 6, 2014, at 2247 hours. Deputy [redacted] was working as the observer in the helicopter, partnered with Deputy Charles Gonzalez, as Unit Air-24. Deputy [redacted] advised they were in the city of Compton on a separate incident when they heard emergent traffic over the dispatch frequency. Deputy [redacted] estimated they arrived at Enterprise Park within approximately 30 seconds of the assistance request. As they circled overhead, he only observed a patrol car, with one of its doors open, in the southwest corner of the park. He was unable to see the deputies themselves, or the suspect. He recalled receiving information the deputies were underneath the patio cover, north of their patrol car. They scanned the park looking for outstanding suspects, but did not see anything or anyone. Deputy [redacted] remembered seeing a bathroom at the park, but stated he did not see

any deputies or the suspect going inside. They also conducted an article search while flying overhead, at the request of the deputies on the ground, regarding a possible gun which may have been discarded. Deputy [redacted] did not report seeing a gun.

Witness **Deputy James Hubbard** was interviewed at St. Francis Hospital in Lynwood on September 29, 2014, at 1314 hours. Deputy Hubbard was partnered with Deputy Carmona on July 14, 2014, and provided security for Suspect Montgomery during the transport and stay at the hospital. He also authored a supplemental report which documented his actions and contacts during this assignment (*see the Supplemental Report which was included with this case*). Deputy Hubbard recalled his first observation of Suspect Montgomery, which did not occur until after Montgomery was already in the back of the ambulance. Suspect Montgomery was lying down, handcuffed, with a hobble around his ankles. He stated the hobble remained around Montgomery's ankles throughout his entire shift, and he did not remove it when he was relieved of his position. Deputies Juan Torres and Nichelle Carlson were the next deputies who took command of providing security for Suspect Montgomery.

Witness **Deputy Paul Carmona** was interviewed at Compton Station on October 9, 2014, at 1257 hours. Deputy Carmona was working on the night of July 14, 2014, and stated he was tasked with escorting Suspect Montgomery to the hospital. His partner was Deputy James Hubbard. Deputy Carmona stated he followed the ambulance in his patrol car, and believed Deputy Hubbard rode inside the truck with Suspect Montgomery, however, he does not remember specifically if that happened. He also does not remember seeing a hobble around the suspect's ankles. They stayed with Suspect Montgomery throughout the duration of their shift until they were relieved by day shift personnel, Deputies Juan Torres and Nichelle Carlson. During this time, Deputy Carmona did not recall seeing a hobble, nor anyone asking him about a hobble.

Witness **Deputy Juan Torres** was interviewed at St. Francis Hospital in Lynwood on September 29, 2014, at 1329 hours. Deputy Torres was partnered with Deputy Nichelle Carlson on July 15, 2014, and was responsible for providing security for Suspect Montgomery during the AM shift. Deputy Torres did not know if there was a hobble around the suspect's ankles, because his view was blocked by either a blanket or a sheet covering Montgomery the entire time. Even when he had to escort Suspect Montgomery to a medical procedure, he did not see a hobble.

Witness **Deputy Nichelle Carlson** was interviewed at S.T.A.R.S. Center on March 26, 2015, at 1317 hours. Deputy Carlson was partnered with Deputy Torres on July 15, 2014, where she was tasked with providing security for Suspect Montgomery. She recalled relieving Deputy Hubbard in the morning, when he gave them an update of Montgomery's status, as well as, handed over some paperwork associated with the arrest. She also recalled Suspect Montgomery being covered in a blanket when they made their relief, and did not see a hobble. She did tell investigators she discussed the use of the hobble with Deputy Hubbard at the time of relief. She recalled him telling them, "You can use a hobble if you need to," but she said she did not use a hobble during their shift. At no point during her shift did she recall ever seeing the hobble.

Deputy Carlson recalled having to transfer Suspect Montgomery from the hospital bed to a wheelchair, at which time she un-handcuffed Montgomery from the bed and handcuffed him to the chair, but she did not remember seeing a hobble. At the time of this interview, Deputy Carlson did not have any information regarding who applied the hobble or who it belonged to.

Witness **Sergeant Mark Lopez** was interviewed at Compton Station on September 29, 2014, at 1444 hours. Sergeant Lopez was assigned as the supervisor for the Summer Violent Crime Enforcement Team on July 14, 2014. When he arrived at Enterprise Park regarding the force incident, he observed a male, Black in handcuffs with blood on his face, seated under the patio area near some benches. There were deputies around the suspect, but he did not recall who those deputies were. The involved deputies were also in the patio area, and they contacted him about the use of force.

Sergeant Lopez was contacted by Deputy Diaz, Deputy Alcala, and Deputy Embleton, who reported their use of force to him. The deputies appeared to be disheveled and out of breath. According to Sergeant Lopez, the verbal notifications the deputies provided regarding the force was consistent with their written reports. Also, he stated if there were contradictions between the verbal notifications and written reports, he would have addressed those contradictions, and clarified the discrepancies with them.

Sergeant Lopez did not recall a hobble around the suspect's ankles, and no one ever reported the application of it to him. Also, he did not see the deputies or the suspect in the bathroom located just east of the patio area. He further added he doubts anyone from Compton Station would have keys to that bathroom, due to the fact Enterprise Park is located within Century Station's reporting district. Furthermore, he remembered the bathroom doors being locked. He tasked OSS Detectives with checking the area for witnesses and possible surveillance cameras, and they reported back to him the doors for all of the buildings were locked. He could not recall the names of which detectives specifically reported that information to him, but believed it may have been OSS Detective [redacted].

Sergeant Lopez conducted his own check of the park for witnesses, but did not locate anyone in the area. Although, he did recall Suspect Montgomery's family members arriving later, after the incident.

Witness **Sergeant Marvin Jaramilla** was interviewed at Compton Station on October 9, 2014, at 1142 hours. Sergeant Jaramilla was assigned as one of the field sergeants, Unit 285S, on the night of the force incident, on July 14, 2104. He responded to Enterprise Park after a Code-4 had already been broadcast and observed deputies detaining Suspect Montgomery under a patio cover near some park benches. Sergeant Jaramilla instructed deputies to check the area for witnesses. While on scene, he did not observe any deputies go inside of the bathroom, which was located adjacent to the patio cover. He was also unaware if any deputies possessed keys to the bathroom.

Sergeant Jaramilla was later told of some potential witnesses located approximately fifty feet east of the patio area. He retrieved his video camera to conduct interviews, and discovered the individuals were family members of Suspect Montgomery. The family members were identified as Suspect Montgomery's [redacted], [redacted], [redacted], [redacted], and [redacted], [redacted]. He conducted an interview, even though they did not witness the force incident (see videotaped and audio interview which is included on a disc with this case). After his interview with family members, he checked for additional bystanders who might have seen something, but he did not locate any and returned to Compton Station.

Later in the night, he responded to the hospital with Watch Commander Lieutenant Mitry to assist in recording Suspect Montgomery's interview. Sergeant Jaramilla did not recall seeing a hobble around the suspect's legs during that interview. He also did not recall seeing one on Suspect Montgomery at the scene of the incident either. At the time of his interview with IAB investigators, he was unaware of who applied the hobble to Suspect Montgomery, or who the hobble belonged to.

Witness **Sergeant Libira Carter** was interviewed at S.T.A.R.S. Center on March 26, 2015, at 1112 hours. Sergeant Carter was one of the field sergeants, Unit 280S, on July 14, 2014. When she first arrived at Enterprise Park, she did not see any civilians standing in the area. It was not until she walked back to her patrol vehicle that she observed several civilians standing on the corner at the edge of the park. She observed several deputies standing near a male, Black, with blood on his face. The male was lying on his side on the ground near some picnic benches. She described his demeanor as woozy and drowsy.

Sergeant Carter made contact with the deputies involved in the use of force, and noted they were sweaty and appeared out of breath. However, they did not report their use of force to her; Sergeant Lopez also arrived on scene at approximately the same time and advised he would handle the incident. Sergeant Carter did not recall seeing a hobble around the suspect's ankles.

Investigators asked Sergeant Carter regarding the bathrooms, and whether she saw deputies go inside. She did not recall seeing anyone inside the bathrooms, and further stated the bathrooms are usually locked. She told investigators she was previously assigned to Parks Bureau, and knows the Parks and Rec employees lock the bathrooms when they leave for the night. She also stated deputy personnel do not have keys to the bathrooms. She did not have keys when she was assigned to Parks Bureau, and does not have them currently as a sergeant assigned to Compton Station. If access to a bathroom is to be granted, she said a Parks and Rec employee has to be the one to open them.

Witness **OSS Detective** [redacted] was interviewed at Compton Station on April 22, 2015, at 1437 hours. Detective [redacted] was working on the night of July 14, 2014. When she arrived on scene at Enterprise Park, the fire department had not yet arrived, and she observed Suspect Montgomery handcuffed and seated up against a park table.

She also noticed a hobble around the suspect's feet. Detective [redacted] took it upon herself to check the area for a possible firearm discarded by the suspect. During her search, she did not check the bathrooms, and did not recall if they were locked. She did remember seeing an interior light on in the bathroom, and deputies around the area.

IAB Note: Witness [redacted] stated in his interview, the bathroom contained automatic lights which turn on during the hours of darkness.

CHARGES FILED AND DISPOSITIONS:

Investigators Name: Compton Station Detective [redacted]. (#[redacted])
Court: Compton Court, Department 3
Charges: The District Attorney filed (1) felony charge and (3) misdemeanor charges against Suspect Montgomery; one felony count of 69 PC (Resisting an Executive Officer with Force), two misdemeanor counts of 69 PC (Resisting an Executive Office with Force), and one misdemeanor count of 148(A)(1) PC (Obstructing/Resisting a Peace Officer)
DA Case # TA134217

The next listed court date is June 17, 2015 for a Pretrial Motions.